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IMPERIALISM AMERICA'S HISTORIC POLICY.

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KANSAS.

THE arraignment of the National Administration by certain of our citizens on a charge of imperialism, in the execution of its Philippine policy, brings up for discussion in the pending campaign some important questions relating to the powers, duties and responsibilities of government, among which are three that I propose to consider briefly in this article, namely:

First. Whence comes the right to govern? What are its sphere and object?

Second. Are we, the people of the United States, a self-governing people?

Third. Is our Philippine policy anti-American?

I.

As to the right to govern—the right to exercise authority over communities, states and nations, the right to enact, construe and execute laws—whence is it derived? For what purposes and to what extent may it be properly assumed?

In the Declaration of Independence it is asserted that:

“We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”

But is it true that government, even in a republic like ours, derives its just powers only from the consent of the governed? Is it not a fact that at no time in our history have we either had or asked the consent of all the people within our jurisdiction, to the powers of government which we have been exercising over them? Is it not true, on the contrary, that we have been govern-

ing many of them not only without their consent, but in direct opposition to it?

The Constitution, framed to provide such a form of government as the signers of the Declaration had in mind, contains the following provision:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

And this:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a duty or tax may be imposed on such importation, not exceeding ten dollars for each person."

These two provisions were intended to apply and did apply to negro slaves, of whom there were in the country at that time about half a million, nearly one-sixth of the entire population; and they, as a class, together with our Indian neighbors and the free people of color, were all excluded from the ranks of those who participated in the institution of our new government. Their consent to anything done or contemplated in the administration of our public affairs was neither asked nor desired. Their consent or dissent did not enter into the problems of government. It made no difference what their wishes were, or to what they were opposed. A majority of such persons as enjoyed political privileges—they and they only—formed the new government and organized its powers, without regard to the disfranchised classes, as much so as if these classes had not been in existence.

And, in addition to the non-voting people, there were many white men in the States who, by reason of their poverty, were not permitted to vote, and hence could not take part in popular elections. It is, probably, safe to say that, of the whole population of the country, when the Constitution was put into effect, the number that had no part in the work of establishing the National Government, either for or against it, although they were subject to its rule, constituted at least twenty-five per cent.

Still more. In every one of the States, and among those persons, too, qualified to vote, there was opposition, more or less, to the inauguration of the new regime. North Carolina did not

ratify the Constitution till more than two years after the convention that framed it had adjourned *sine die*; and Rhode Island did not come into the Union till May of President Washington's second year.

There is no way of ascertaining exactly the number of voters who were opposed to the new plan, who did not consent to it, and who would have defeated it if they could; but, if these be added to the disfranchised classes, we have a total of at least one-third of the inhabitants of the country not consenting to the exercise of the governmental powers over them. Yet these powers were deemed by the majority that organized them to be just powers, and the said majority felt that they were justified in executing them.

Thomas Jefferson held "the vital principle of republics" to be "absolute acquiescence in the decisions of the majority." But whence comes the right of a majority to rule? And may the majority of to-day determine the course of the majority of to-morrow? Had two-thirds of a population of less than four million in 1789 the rightful authority to lay down rules of government for a population of seventy-five millions in 1900—rules which we cannot change, save by revolution, unless we do it in accordance with forms prescribed by our ancestors more than a hundred years ago?

We all believe with Jefferson that the right of a majority to rule in a republic is not to be challenged; and the answer to these troublesome questions concerning the source of this undisputed right to govern can be found only in the theory, that government is one of the essential agencies provided in the beginning by the Father above for the work of subduing the earth and bringing all men to Himself. The thought is tersely expressed by St. Paul in his letter to the Romans: "There is no power but of God." "The powers that be are ordained of God." The ruler is a "minister of God."

Man's right to life, liberty and room to work in is inherent, and government follows as naturally as the seasons follow each other. As long as the individual man lives separated from his fellows, he needs no protection other than he is able himself to command; but when population increases and men gather in communities, governments are instituted among them in order to make these individual rights secure; and then new rights appear,

communal rights; for communities, as well as individual persons, have rights.

The necessity for government increases with the density of population, and the scope of its powers is enlarged with the extension of its territorial jurisdiction, the diversity of employments in which the citizenship are engaged and the degree of refinement to which they have attained. The trapper, with his axe, knife, gun and sack, pursues his calling alone in the wilderness; but, with settlement, the forest disappears, farms are opened up, towns laid out, neighborhoods formed, laws become necessary, and government begins.

It is not necessary, however, that we should agree on the origin of government, for we know that, as a matter of fact, governments in one form or another have existed ever since the beginning of recorded history; and we know, further, that under the operation of these governments ninety per cent. of the habitable surface of the globe has been reclaimed from barbarism. The whole world is to-day virtually within the jurisdiction of regularly organized powers of government, international law is recognized and enforced as part of the general code of the nations, and the trend of the world's civilization is toward free institutions and popular forms of government.

II.

As to whether we are a self-governing people, the answer to this question depends upon whether all classes of the population within our jurisdiction share in the work of governing, or whether, as in the ancient republics, only a portion of the people are to be taken for the whole for purposes of government.

In any age of the world, the character of government fairly represents the state of the world's inhabitants at that particular period. That a people are not far enough advanced to form a government for themselves and conduct its affairs in their own way is not a reason why they should not have any government at all. On its lower level, government may extend no further than the will of an ignorant despot who holds the tenure of life and property in his hands; but as men advance, they rise to higher levels and the sphere of government is enlarged. In the end it will, of necessity, embrace all human interests which are common.

The members of the Continental Congress, in declaring the

cause which impelled the separation of the colonies from the mother country, began the concluding paragraph of the Declaration in these words:

"We, therefore, the representatives of the United States of America, in Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, etc."

The words "good people of these colonies" included only such of the people as at that time participated in the work of local government, excluding those who were opposed to separation. The Tories, and there were a good many of them, did not approve anything that the Congress did. They were regarded by the patriots as public enemies, and were kept under constant watch by committees of inspection and observation in every county. They were subject to arrest and imprisonment—even to banishment; and in many instances their property was confiscated. The Congress surely did not speak in the name of the Tories, nor by their authority.

The Articles of Confederation, under the provisions of which the Congress acted after March 2nd, 1781, recognized as its constituency only "the free inhabitants of each of these States." Slaves, though constituting nearly, if not quite, sixteen per cent. of the population, were not reckoned among the political forces to be respected. Indians, likewise, were excluded.

The Constitution of the United States opens thus:

"We, the people of the United States . . . do ordain and establish this Constitution for the United States of America."

But not more than two-thirds of the population were represented in "We, the people," and a majority of the two-thirds assumed the responsibilities of government—rightfully, as all loyal Americans believe. The machinery of the Republic was set in motion in 1789, and the census taken the next year showed the total population to be 3,929,214, of which total number 757,208 were colored—mostly persons of African descent, who were nearly all slaves, and these, with the other disfranchised classes, as before stated, made up about thirty-three per cent. of the population that were not permitted to take part in establishing the new government.

Furthermore, when the Constitution was submitted to the Legislatures of the several States for their action, it was strenuously

opposed in some of them, and received unanimous support in only three—Delaware, New Jersey and Georgia. The majority in its favor was large in Connecticut and South Carolina, while in Virginia the majority was only ten votes, and in New York only three. The vote in five of the States stood thus: Pennsylvania, 46 to 23; Massachusetts, 187 to 168; Maryland, 63 to 11; New Hampshire, 57 to 46; New York, 30 to 27. North Carolina and Rhode Island were two years in making up their minds to accept places in the Union.

So we see that a majority of about two-thirds (and that may have been in fact less than a majority of the whole people) assumed to speak and act for all. The people of the United States have all along acted on that plan. We have gone even further than that. We have in some cases expressly authorized minorities to determine the gravest matters. The Constitution provides that "a majority of each (House of Congress) shall constitute a quorum to do business;" and "each House may determine the rules of its proceedings." The Senate now consists of ninety members; forty-six is a majority, constituting a quorum. Of this forty-six, twenty-four form a majority, and although it is less than one-third of the whole body, may pass any measure that is not required by the Constitution to receive a majority or a two-thirds vote—a treaty, for example. And it is the same in the House of Representatives.

And, although a majority of the electoral vote is required to choose a President of the United States, it has frequently happened that the successful candidate was opposed by a majority of the voters of the country.

In the matter of amending the Constitution, a majority of the voters may favor any particular amendment proposed, but it must be ratified by three-fourths of the Legislatures of the several States before it becomes law.

We not only have adopted the majority principle as a rule of government, but we have uniformly insisted upon acquiescence in minority rule in any and all cases where it has been so provided in advance.

We have but to look at our record to see that, from the beginning, we have excluded a very large proportion of our own people from all participation in affairs of government, and we have never accused ourselves of exercising unjust powers or undue au-

thority. This fact strengthens the belief that there is a source of power which does not lie in the people at all—a “higher power,” if you please. The Declaration of Independence conforms to this view, in affirming that men are “endowed by their Creator with certain unalienable rights,” and in appealing to the “Supreme Judge of the world,” “with a firm reliance on the protection of Divine Providence.”

III.

In order to determine whether our Philippine policy is anti-American, we must examine the testimony of American history, and see the record that Americans have made for themselves in their treatment of subject people in our own country.

Virginia and New England may fairly be taken as representative of the Colonies up to the time of the Revolution, in so far as the Indian population is concerned.

Patents to the London Company and to the Plymouth Company were issued in 1606 by King James I., authorizing them to “possess and colonize that portion of North America lying between the thirty-fourth and forty-fifth parallels of north latitude.” What legal rights or privileges James had in America were based wholly on the discoveries made by English navigators. Rights of the native inhabitants were not considered in the granting of these patents, nor in the subsequent colonization.

The London Company colonized Virginia and the Plymouth Company and its successors colonized New England. In both cases landings were effected and settlements begun without consulting the people that inhabited the country.

As to Virginia, among the early acts of the Jamestown colony, under the lead of Captain Smith, was the procuring of food from the Indians by trading with them, and at the same time fortifying the new settlement against Indian depredations. Smith strengthened the fort in 1608, trained the watch regularly and exercised the company every Saturday. No organized opposition to the white settlement appeared during the first few years, though the Indians manifested their dissatisfaction in the arrest of Smith, whom they would have summarily put to death but for the intercession of the Chief's daughter. But in 1622, under Opechancanough, they attacked the settlers, killed several hundred of them, and devastated a good many plantations. They were finally

beaten back by the whites, many of them being unmercifully slaughtered, and the rest driven into the wilderness. Twenty-two years later, under lead of the same Chief, another war broke out, lasting two years, causing much loss of life and property on both sides, and resulting in the utter defeat of the Indians and the cession by them of large tracts of land to the colonists.

This policy was pursued to the end—whites advancing, Indians receding—up to the end of the colonial period, when the whole State, practically, belonged to the whites.

The Plymouth Colony early sent Captain Standish, with a few men, to confer with the natives and ascertain, if possible, the state of their feeling in regard to the white settlement; but the Indians eluded him and he learned nothing. The second year after this reconnoissance Canonicus, King or Chief of the Narragansetts, by way of showing how he felt about it, sent to the Plymouth people a bundle of arrows tied with the skin of a rattlesnake. As an answer to this challenge, the skin was stuffed with powder and bullets and returned. These exchanges of compliments opened the way for a peace treaty between the settlers and several tribes; but some of the chiefs were suspicious of the whites and formed a conspiracy to kill them off. The scheme coming to the knowledge of the colonists, it was frustrated by Standish and his company, who treacherously killed two chiefs. A treaty of peace with the Narragansetts soon followed this occurrence, and it remained in force until the Wampanoags, weary of encroachments on their lands by the whites, made war on them under the leadership of King Philip, in 1675.

Among the incidents of that war, and as showing the temper of the colonists, may be mentioned the destruction of the Narragansett fort and the subsequent capture and treatment of Philip. The fort sheltered about three thousand Narragansetts, mostly women and children. It was surprised during a snowstorm, the palisades and wigwams were fired, and the Indians were driven forth by the flames to be either burnt, suffocated, frozen, butchered or drowned in the surrounding swamp. History says that "500 wigwams were destroyed, 600 warriors killed, 1,000 women and children massacred, and the winter's provisions of the tribe reduced to ashes." "The Government set a price of thirty shillings per head for every Indian killed in battle, and many women and children were sold into slavery in South America and the West

Indies." Toward the last, Captain Church, the noted Indian fighter, headed an expedition to find Philip and destroy the remainder of the Wampanoags. Philip was hunted from place to place, and at last found in camp on the 12th of August, 1676. The renegade Indian who betrayed the Narragansett camp led Captain Church to the camp of Philip. The attack was made at night, while the Indians were asleep. Philip, in attempting to escape, was recognized by an Indian ally of the whites and shot dead as he stumbled and fell into the mire. His body was dragged forward, and Church cut off his head, which was borne on the point of a spear to Plymouth, where it remained twenty years exposed on a gibbet. According to the colonial laws, as a traitor, his body was drawn and quartered on a day that was appointed for public thanksgiving.*

With this policy steadily pursued to the end, when the time came for Americans themselves to turn upon their oppressors, there was little left of the Indian question in New England and Virginia, or in any of the States; but with the Declaration of Independence, the formation of the federal union and the establishment of a national government for the whole country, our Indian troubles were confined chiefly to territory belonging to the Union, regions acquired after the Union was formed, and hence national territories under the sole jurisdiction of the national government, though inhabited by Indians, whose rights to the soil had never been questioned. What has been our policy with respect to this subject race in our new territorial acquisitions, we shall now see.

The region bounded on the north by the Great Lakes, on the east by the Allegheny Mountains, on the south by the Ohio River, on the west by the Mississippi, out of which have grown the States of Ohio, Michigan, Wisconsin, Illinois and Indiana, had been claimed under their charters by Virginia, New York, Connecticut and Massachusetts, but they ceded their claims to the United States.* The country so ceded was our first territorial acquisition, and became known as the Northwest Territory. A government was provided for it under the ordinance of 1787, and President Washington, in 1789, appointed General Arthur St. Clair its governor. The various tribes of Indians inhabiting that part of

*See "Appleton's Cyclopedia of American Biography," article, King Philip.

*Except a small portion reserved by Connecticut, afterward known as the "Western Reserve."

the country objected to the jurisdiction of the whites, just as some of the Filipinos have done in the Philippine Islands, and they made war on the whites under Michikiniqua, chief of the Miamis, as the Filipinos have done under Aguinaldo, chief of the Tagals.

Under date of October 6th, 1789, President Washington forwarded instructions to Governor St. Clair in which he said:

"It is highly necessary that I should as soon as possible possess full information whether the Wabash and Illinois Indians are most inclined for war or peace. . . . You will therefore inform the said Indians of the dispositions of the General Government on this subject, and of their reasonable desire that there should be a cessation of hostilities as a prelude to a treaty. . . . I would have it observed forcibly, that a war with the Wabash Indians ought to be avoided by all means consistently with the security of the frontier inhabitants, the security of the troops, and the national dignity. . . . But if, after manifesting clearly to the Indians the dispositions of the General Government for the preservation of peace and the extension of a just protection to the said Indians, they should continue their incursions, the United States will be constrained to punish them with severity."

The Indians were most inclined for war, as the Tagals have been, and a good deal of hard fighting, extending over five years, was done before they were brought to terms in a treaty. The battle at Miami Village, September 30th, 1790, between about 1,800 Americans under General Harmar, and a somewhat larger body of Indians, under various chiefs, resulted in a victory for the Indians, with a loss of 120 men killed and 300 wigwams burned. Another pitched battle was fought near the same place the next year. The Indians were again victorious, and the American loss was more than half the army—631 killed and 263 wounded. On August 20th, 1794, General Wayne, with 900 United States soldiers, routed the Indians in a battle near Miami Rapids, and a year later a treaty of peace was concluded, by the terms of which nearly the whole of Ohio was ceded by the Indians to the United States.

It will be observed that with five years of war we had got no farther west than Ohio. And these battles with the Indians in the Miami valley were more bloody than any ever fought by American armies with white men.

This long and bloody Indian war did not end our troubles in the Northwest. The Indians confederated under Tecumseh in 1811, and they were routed at the battle of Tippecanoe, by General Harrison. This practically terminated Indian hostilities in

the Northwest Territory, but Tecumseh stirred up resistance among the Creeks and their allies in our new acquisitions south of the Ohio, known as the Southwest Territory. The rebellion there began with the massacre at Fort Mims, on August 30th, 1813, in the Creek Nation, and ended with the battle of Tohopeka, on March 27th, 1814, where the Indians were defeated by troops under General Jackson. About 1,000 Creek warriors were engaged at Tohopeka, and more than half of them (550) were killed. Seven fierce battles were fought during the continuance of this brief war, with an aggregate loss to the Indians of 1,300 killed and an unknown number of wounded.

The Black Hawk war, in 1832, cost the lives of 25 Americans and 150 Indians.

The Florida war began in 1835 and lasted seven years, ending with the final defeat of the Indians.

Since the conclusion of the Florida or Seminole war our armed conflicts with Indians have been mostly in the West, on territory which we acquired by purchase from France and by cession from Mexico in concluding a two years' war with that country.

"Between 1846 and 1866 there were some fifteen or twenty Indian wars or affairs, in which it is estimated that 1,500 whites and 7,000 Indians were killed."

"In the actions between regular troops and Indians, from 1866 to 1891, the number of whites killed was 1,452; wounded, 1,101. The number of Indians killed was 4,363; wounded, 1,135."*

Our Indian wars have been expensive as well as bloody. It is estimated by the War Department that, excluding the time covered by our wars with Great Britain (1812-'14), and with Mexico (1846-'48) and with the Confederate States (1861-'65) three-fourths of the total expense of the army is chargeable, directly or indirectly, to the Indians; the aggregate thus chargeable is put at \$807,073,658, and this does not include cost of fortifications, posts and stations: nor does it include amounts reimbursed to the several States (\$10,000,000) for their expenses in wars with the Indians. The Indian war pension account in 1897 stood at \$28,201,632.

Except when engaged in the other wars, the army has been

*These statistics are gathered from the Census Report on Indians, 1890.

used almost entirely for the Indian service, and stationed in the Indian country and along the frontier.

Such in general outline is Americanism as it has consistently exhibited itself in the policy followed by this country at the only junctures which are comparable to the Philippine situation at the present day. If it amounts to imperialism, then, indeed, are we a nation of imperialists without division.

But let us get closer to the subject. The case presented by the anti-imperialists against the present Administration is almost exactly paralleled in the history of Florida. Spain's title to the Philippines was as good as that by which she claimed Florida, for it had the same basis—the right of discovery; and her right to cede and convey her title was as perfect in the one case as in the other. In both instances, the inhabitants were, by international law, transferred with the land on which they dwelt.* Filipinos inhabited the Philippine Islands when Magellan discovered them in 1521, and when Villalobos, a few years later, "took possession of the group and named it in honor of King Philip II. of Spain," and they were there in 1898, when Spain ceded the archipelago to the United States, in consideration of closing a war and the payment of \$20,000,000 in money.

The Seminole Indians inhabited Florida when that region was discovered by the early Spanish navigators, and they were there in 1819-'21, when Spain ceded the country to the United States in consideration of removing a just cause of war on our part, and a stipulation to settle claims against Spain to the amount of \$5,000,000.

The treaty for Florida was concluded in 1819, but was not ratified by Spain till the second year thereafter; a territorial government was established on March 30th, 1822, the President, in the meantime, governing the Territory through the army. Florida remained a Territory twenty years, the State being admitted on March 3d, 1845. During the territorial period the army was needed there most of the time to suppress disorders in which the Indians were almost always mixed; and in 1835, the

*Am. Supreme Court, in the case of the American Insurance Company v. Canter, 1 Peters, 511, referring to the territory held by a conqueror, awaiting the conclusion of a treaty, says:

"If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed. . . . On such a transfer of territory, the relations of the inhabitants with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country transfers the allegiance of those who remain in it."

war with the Seminoles began. Andrew Jackson was President during the first two years of this war, it continued all through Van Buren's term and extended a year or more into that of Harrison and Tyler. To suppress this rebellion of Osceola and his allies, the army, consisting of regulars, militia and volunteers, was employed seven years.

President McKinley is now doing in the Philippines just what was done by President Jackson and his successors in Florida, and he is doing it more humanely. Were they imperialists?

As to matters of government, Americanism means American rule in American territory. Americans govern by majorities—majorities of those who, by previous constitutional and statutory provisions, are authorized to govern, and whose administration of public affairs has been, as far as practicable, determined in advance by properly constituted authorities.

Beginning with the Pilgrims' compact, we have grown a republic, removing or surmounting all obstacles in the way of our development, until now we are in the forefront of nations. We have liberated the negro and given him the ballot. The Indians, of whom there are about as many in the country as ever, have to their credit in the national treasury a trust fund amounting to about \$25,000,000; they are dissolving their tribal relations; the adults, under Government supervision, are learning to work at farming and other useful callings, their children are in Government schools, and all are in process of citizenization. Government Indian schools now number about 150, with nearly as many contract schools. Indian education is costing the Government about \$2,000,000 a year.

The course of Americanism has been in the natural order, a little rough sometimes, it is true, but that, too, is in the nature of things. What these people call imperialism is only mirage in the heated air of politics—and it will entirely disappear when the snow flies again.

The trouble in the Philippines has been occasioned by Aguinaldo and his associates. Americans are there of right, and they ask nothing of the natives but to be peaceable, to obey the laws and to go ahead with their business; they will not only be protected in every right, but will be aided by all the powerful influences of an advanced and aggressive civilization.

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